

Applicant: PALMER, Tim John
Serial No.: 10/524,488
Filed: February 14, 2005
Page 4

REMARKS/ARGUMENTS

Status of Claims

Claims 1-21 are pending in the application. Claims 2 and 13 have been amended. Claim 3 has been canceled without prejudice. No new matter has been added.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claim 2 under 35 U.S.C. § 102 as being anticipated by both Ittipiboon et al. (U.S. Pat. No. 5,952,972) and Adachi et al. (U.S. Pat. No. 6,198,450). Applicant traverses the rejection of claim 2 under 35 U.S.C. § 102 as being anticipated by both Ittipiboon and Adachi.

Applicant's independent claim 2, as amended, includes all the limitations of dependent claim 3. In the "Allowable Subject Matter" section of the Office Action, the Examiner states that claim 3 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims". Since independent claim 2, as amended, includes all such limitations, it is respectfully submitted that Applicant's claim 2 is patentable over both Ittipiboon and Adachi.

Applicant respectfully requests that the Examiner withdraw the rejection of claim 2 under 35 U.S.C. § 102(b).

Double Patenting

In the Office Action, the Examiner provisionally rejected claims 1 and 4 "on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 56 of copending Application No. 10/514,108". In order to overcome this rejection, Applicant submits herewith a terminal disclaimer. Thus claims 1 and 4 are allowable.

Applicant respectfully requests that the Examiner withdraw the provisional rejection of claims 1 and 4.

Allowable Subject Matter

Further, claims 5-21 are allowable as indicated by the Examiner in numbered

Applicant: PALMER, Tim John
Serial No.: 10/524,488
Filed: February 14, 2005
Page 5

paragraph 8 on page 5 of the Office Action.


Finally, with respect to paragraph 9, Applicant acknowledges the Examiner's citation of non-applied references. It is submitted that the claims of the present invention are patentable over this art.

Conclusion

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please credit or debit Deposit Account No. 50-3355 if any fees are due.

Respectfully submitted,


Robert D. Schaffer
Attorney for Applicant(s)
Registration No. 33,775

Dated: April 19, 2006

Pearl Cohen Zedek Latzer, LLP.
1500 Broadway, 12th Floor
New York, NY 10036
Phone: (646) 878-0800
Fax: (646) 878-0801